

NO. 5:05-CR-203-H

v.

Defendant .

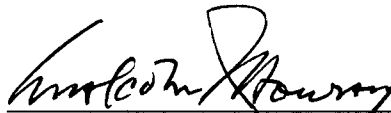
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In addition, it is more than likely that the cash was retained by the local authorities who made the arrest and became the subject of a state forfeiture action pursuant to the North Carolina taxing authority. The defendant's effort to enforce his rights under Rule 41(g) comes some 8 years after his arrest and the apparent seizure of the cash. His assertion now that the money was not the result of drug dealing is at odds with his Mirandized statement on the date of his arrest.

Accordingly, the government has no property that can be lawfully returned to the defendant. Therefore, defendant's motion for return of property [DE #36 and #37] is DENIED.

This 11th day of October 2013.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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